

PUBLIC EMPLOYMENT RELATIONS COMMISSION

NEGOTIATIONS, IMPASSE PROCEDURES AND COMPULSORY INTEREST
ARBITRATION OF LABOR DISPUTES IN PUBLIC FIRE AND POLICE
DEPARTMENTS

Proposed Readoption with Amendments: N.J.A.C. 19:16

Proposed: April 3, 2006 at 38 N.J.R. 1561(a)

Adopted: June 29, 2006, by the Public Employment Relations
Commission, Lawrence Henderson, Chairman.

Filed: July 14, 2006 as R. _____ without change

Authority: N.J.S.A. 34:13A-6(b), 34:13A-5.4(e), 34:13A-11 and
34:13A-16.5.

Effective Date: June 29, 2006 readoption
August 7, 2006 amendments

Expiration Date: June 29, 2011

Summary of Public Comments and Agency Responses:

No comments were received.

Federal Standards Statement

The National Labor Relations Act excludes "any State or political subdivision thereof." See 29 U.S.C. §152(2). No Federal law or regulation applies and the Commission cannot rely upon a comparable Federal rule or standard to achieve the aims of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The rules proposed for readoption are thus necessary and proper.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 19:16.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

19:16-5.5 Response to the petition requesting the initiation of compulsory interest arbitration

(a)-(b) (No change.)

(c) Where a dispute exists with regard to whether an unresolved issue is within the required scope of negotiations, the party asserting that an issue is not within the required scope of negotiations shall file with the Commission a petition for scope of negotiations determination pursuant to N.J.A.C. 19:13. This petition must be filed within: **14 days of the filing of a joint petition;** 14 days of receipt of **the Director of Arbitration's** notice of filing [of the petition requesting the initiation of compulsory interest arbitration]; **or five days of receipt of the response to the petition requesting the initiation of compulsory interest arbitration.** The failure of a party to file a petition for scope of negotiations determination shall be deemed to constitute an agreement to submit all unresolved issues to compulsory interest arbitration.

(d) (No change.)